

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYNETTE THOMAS,

Plaintiff,

v.

THE ATHLETE'S FOOT,

Defendant.

Case No. 10-cv-12558

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 17)
AND GRANTING IN PART AND DENYING IN PART ATHLETE'S
FOOT'S MOTION FOR SUMMARY JUDGMENT (docket no. 11)

Plaintiff Lynette Thomas filed this employment discrimination action pro se on June 29, 2010. The matter was referred to a magistrate judge for all pretrial proceedings. The Athlete's Foot moved for summary judgment on October 6, 2010. The magistrate judge issued a Report and Recommendation ("Report") on July 20, 2012, after taking the motion into consideration. He suggests that the Court grant in part and deny in part, without prejudice, The Athlete's Foot's motion. Neither Thomas nor The Athlete's Foot filed an objection to the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation "de novo if no objections are filed, it does not preclude further review by

the district judge, sua sponte or at the request of a party, under a de novo or any other standard").

Because neither the plaintiff nor defendant filed objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, and grant in part and deny in part, without prejudice, the motion for summary judgment.

WHEREFORE, it is hereby **ORDERED** that the Report (docket no. 17) is **ADOPTED**.

IT IS FURTHER ORDERED that The Athlete's Foot's motion for summary judgment (docket no. 11) is **GRANTED** in part and **DENIED** in part without prejudice.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: August 14, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 14, 2012, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager